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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,496	08/03/2001	Mark Carnall	3265-011266	7333

28289 7590 12/29/2004

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436 SEVENTH AVENUE  
PITTSBURGH, PA 15219

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/022496

EXAMINER
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ART UNIT	PAPER
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12262004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See in the attached Notice that if no action is taken within ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to either cancel the noted claims or take other appropriate action (37 CFR 1.144) that this will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

James R. Brittain  
Primary Examiner  
Art Unit: 3677

*Election/Restrictions*

Applicant's election with traverse of Species IV comprising figure 29 in the reply filed on October 4, 2004 is acknowledged. The traversal is on the ground(s) that the various karabiners are closely related and there is no significant burden due to searches having already been performed. This is not found persuasive because the various species are classified in different subclasses based upon the locks or there being no locks and the particular gate structure and are very distinct. The fact that election was not required earlier is regretted, but does not negate the distinctness of the species. Further, applicant fails to indicate that the species are obvious variants over each other.

The requirement is still deemed proper and is therefore made FINAL.

Claims 15-20, 27 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species. Applicant timely traversed the restriction (election) requirement in the reply filed on October 4, 2004.

Claims 15-20, 27 and 28, directed to the species I, II, III and V remain withdrawn from further consideration since the independent claims 15 (species I), 17 (species II), 19 (species V) and 20 (species III) do not depend upon or otherwise include each of the limitations of an allowed generic claim as required by 37 CFR 1.141. The independent claims to these species do not include each limitation of an allowed generic claim and for this reason all claims directed to these species remain withdrawn.

This application is in condition for allowance except for the presence of claims 15-20, 27 and 28 to an invention non-elected with traverse in the reply filed on October 4, 2004. Applicant is given **ONE MONTH or THIRTY DAYS** from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's

Art Unit: 3677

Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222.

The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James R. Brittain  
Primary Examiner  
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JRB